

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JANSSEN PHARMACEUTICALS, INC. and
JANSSEN PHARMACEUTICA NV,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No.: 18-734

ORDER

CECCHI, District Judge.

This patent case was brought by Plaintiffs Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica NV (collectively, “Plaintiffs” or “Janssen”) against Defendant Teva Pharmaceuticals USA, Inc. (“Defendant” or “Teva”). It appearing that:

1. Defendant has asserted invalidity of Claims 1–21 of U.S. Patent No. 9,439,906 (the “’906 Patent”).
2. Defendant does not contest infringement of Claims 1–21 in accordance with the June 8, 2020 Stipulation and Order based on Defendant’s submission of Abbreviated New Drug Application No. 211149 which seeks United States Food and Drug Administration approval to market generic versions of Invega Sustenna. ECF No. 88 at 1–2.
3. The Court held a two-week bench trial in this matter that began on October 13, 2020 and concluded on October 30, 2020. ECF Nos. 135–37, 140–41, 145–49, 151. During the bench trial, both parties made motions for judgment on partial findings pursuant to Federal Rule of Civil Procedure 52(c) (ECF Nos. 138, 150) and both parties opposed these motions (ECF Nos. 142, 164, 167). The parties submitted post-trial briefing and

proposed findings of fact and conclusions of law in December 2020. ECF Nos. 164, 165, 167, 167-1 (corrected at 168-1). On January 8, 2021, the parties submitted responsive briefs. ECF Nos. 188, 189. Closing arguments were held on March 5, 2021. ECF No. 199.

4. On December 11, 2020, Plaintiffs filed a Motion to Correct Inventorship Pursuant to 35 U.S.C. §256(b) after the conclusion of the bench trial. ECF No. 166. The parties addressed this motion in their post-trial and responsive briefing. ECF Nos. 164, 167, 188, and 189.
5. On July 7, 2021, Defendant filed a Motion to Amend pursuant to Federal Rule of Civil Procedure 15(b)(2), to deem Teva's pleadings amended with a count for patent invalidity under 35 U.S.C. § 102(f). ECF No. 244. Plaintiffs filed a brief in opposition on August 2, 2021 (ECF No. 252) and Defendant filed a reply in support on August 9, 2021 (ECF No. 258).

Accordingly, for the reasons set forth in this Court's accompanying Opinion,

IT IS on this 8th day of October, 2021

ORDERED that no finding of invalidity shall issue as to the '906 Patent; and it is further

ORDERED that pursuant to the June 8, 2020 Stipulation and Order of Infringement,

Defendant infringes Claims 1–21 of the '906 Patent; and it is further

ORDERED that the parties' motions for judgment on partial findings pursuant to Federal Rule of Civil Procedure 52(c) (ECF Nos. 138, 150) are **DENIED**; and it is further

ORDERED that Plaintiffs' Motion to Correct Inventorship Pursuant to 35 U.S.C. §256(b) (ECF No. 166) is **GRANTED**; and it is further

ORDERED that Defendant's Motion to Amend pursuant to Federal Rule of Civil Procedure 15(b)(2), to deem Teva's pleadings amended with a count for patent invalidity under 35 U.S.C. § 102(f) (ECF No. 244) is **DENIED**; and it is further

ORDERED that the parties are directed to submit a joint proposed form of judgment consistent with this Order and the accompanying Opinion within thirty (30) days of the date of this Order; and it is further

ORDERED that an unredacted version of this Court's Opinion shall be filed under temporary seal and the parties shall submit a joint submission indicating the portions of this Court's Opinion that they seek to have redacted, as well as a statement of reasons as to why each redaction is necessary, within seven (7) days of the date of this Order.

SO ORDERED.

s/ Claire C. Cecchi

CLAIRE C. CECCHI, U.S.D.J.